FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No.3812/2006.
IN
CIVIL APPLICATION No.2545/2002.
IN
FIRST APPEAL No. 945 of 1987.

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	Court or Judge's Order.

Smt.Rita D. Bhatia for Applicant.
J.J. Xavier for B.M.C.
CORAM: S.B.DESHMUKH,J.
DATED: 12.9.2006.

P.C.:-

1] By this Civil Application, the Applicants are seeking for setting aside the order passed by this Court(Coram:S.B.Mhase,J.)on July 27th,2006 dismissing the Appeal in default. The learned Counsel for the Applicants refer to para no.2 of the Civil Application. According to the Applicants, this matter was not shown on the cause list by the Appellate Side of this Court and,therefore, was not attended by the Applicants as well as Advocate representing the

Applicants.

2] The learned Counsel Mr.J.J.Xavier appearing for the Respondent has pointed out from the weekly Board of this Court that the matter was listed for final hearing at Serial No.205. The First Appeal is of the year 1987. The learned Counsel for the Applicants concedes with the fact that the matter was duly shown on the Cause List of this Court. Having considered the pendency of the Appeal since the year 1987 and the ground raised by the learned Counsel for the Applicants that the learned Counsel was on a particular day attending her husband who was hospitalized. I am inclined to allow this Application by setting aside order passed by this Court on 27th July, 2006.

3] In the result, Civil Application is allowed in terms of prayer clause 7(a) and (b).

4] List the Appeal on final hearing board of this Court at its appropriate place.

[S.B.DESHMUKH,J.]